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Gov. Christie's nominees for 10 vacant Highlands Council seats remain in limbo

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By **Ben Horowitz/The Star-Ledger**

TRENTON — When Gov. Chris Christie took office last year on Jan. 19, the terms of two-thirds of the Highlands Council — a powerful state panel that reviews development plans for much of northern New Jersey — had expired.

That gave Christie 10 positions to fill on the 15-member body, a chance to dramatically change the way policy is made for projects affecting residents and the 5 million New Jerseyans who get their water from the Highlands.

More than a year later, there are still 10 vacancies.

All 10 nominees must be approved by the Democratic Senate, but Sen. Nicholas Scutari (D-Union), chairman of the Senate Judiciary Committee, keeps delaying, clearly in no hurry.

Like most issues in Trenton, this one is a tangle of politics and policy.

Democrats and environmentalists fear Christie's nominees, some of whom have said the 2004 Highlands Act hurts development and property values, will undercut the law's protections.

Many Republicans counter the law is too stringent and more perspectives are needed to strike a better balance between environmental protection and attracting ratables.

But for some, this is much more than an environmental showdown. They see it as part of a larger battle in Trenton in which Democrats are refusing to approve most of the governor's appointees, hoping to horse trade as budget hearings take place this spring.

Echoing the sentiments of environmental groups, Scutari said several nominees "have said they don't believe the Highlands Act should exist." If that's true, he said, "it's going to be hard for them to fulfill that duty."

"There are certain nominees who shouldn't get a hearing," Scutari added. "Someone who's more qualified might get a quicker hearing."

But the governor "believes the Highlands Council must have a wider range of voices to address the future of the Highlands," Christie spokesman Michael Drewniak said in a statement. He noted the council contains holdovers going back as far as 2007. "Our nominations bring together elected municipal leaders, environmentalists, landowners and business leaders to further and support the mission of the Highlands Council.

"That being said, the governor has indicated he believes reforms are needed," Drewniak added.

Last year, the state Department of Environmental Protection held hearings on the law, said Larry Ragonese, a DEP spokesman.

"We're taking a look at it seven years later — what's good, what's bad and how it could be upgraded to work better. There have been a lot of complaints from both sides," he said. Ragonese stressed "there is no effort to remove or gut the Highlands Act."

The council was created to oversee enforcement of the act, which protects 88 towns and all or part of seven counties. The area provides water to its residents, as well as to people living outside of it, including Newark and Jersey City.

Despite the nomination limbo, the council is conducting business normally with 11 members. Members whose terms have expired are expected to remain on the council until their replacements are approved, although four have resigned. That leaves six serving past their terms. By law, the council is composed of elected officials and members of the community.

Eileen Swan, the council's executive director, said the panel has drawn its quorum of eight members for every scheduled meeting.

Since September, she said, the council has approved the first plans limiting development for 16 municipalities and one county, Passaic. Fifty-nine municipalities and five counties have submitted master plans to conform with the act.

Former Gov. Jon Corzine left the 10 council vacancies when his term ended in January 2010. Christie announced seven nominations in November and three more by early January. The 10 men would replace five men and five women.

Scutari's committee scheduled nominee interviews for three dates in January and February but postponed them. No new dates have been set.

Environmentalists oppose four Christie nominees, recently sworn-in Sussex County Freeholder Richard Vohden of Andover, Samuel Race, mayor of White Township in Warren County, Roxbury Mayor Jim Rilee, and Michael Tfank, former chairman of the West Milford Planning Board.

In his freeholder campaign literature last year, Vohden stated he was a "charter member" of the Highlands Conservation Association — a group whose mission is to repeal the Highlands Act. Race has called for property owners to be reimbursed for land devalued by development restrictions.

Rilee "has been outspoken in his opposition to the Highlands Act," said Julia Somers, executive director of the New Jersey Highlands Coalition, a citizens watchdog group.

"It's unfair to categorize me," Rilee responded. "I certainly understand and respect the need to keep quality water. Beyond that, I'll have to get more up to speed on the council's positions."

Vohden didn't return calls, Race declined to comment and Tfank could not be reached.

Another nominee, Democratic Lopatcong Councilman James Mengucci, said, "We need to strike a balance between land preservation and getting some business into this state. We're losing businesses to Pennsylvania and New York. We need to get as many ratables in here as possible."

Jeff Tittel, director of the New Jersey chapter of the Sierra Club, said, "Putting people on the Highlands Council who want to repeal the Highlands Act is like putting Tony Soprano on the parole board."

One holdover, acting council Chairman Jack Schrier, a Mendham Township resident and former Morris County freeholder, said he "doesn't mind" still serving on the council, even though he asked not to be reappointed and is now in "the seventh year of a four-year term."

Scutari said the council "is still operating just fine, some might say even better" than it would with the replacements.